

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1001 be amended to read as follows:

- 1       Page 3, between lines 9 and 10, begin a new line and insert:
- 2       **"(d) The definitions in IC 2-7-1, apply in SECTIONS 1 and 9 of this**
- 3       **act to the extent that those definitions are not inconsistent with a**
- 4       **specific provision of those SECTIONS."**
- 5       Page 5, between lines 22 and 23, begin a new line and insert:
- 6       **"A member of the general assembly may not receive a gift of any**
- 7       **type from a lobbyist when the member is outside Indiana.**
- 8       **A lobbyist may not pay the expenses of a member of the general**
- 9       **assembly who is traveling outside Indiana for any purpose. When**
- 10       **a member of the general assembly is traveling outside Indiana**
- 11       **while performing legislative services, the actual necessary expenses**
- 12       **incurred by the member shall be paid from public funds, or the**
- 13       **member shall be reimbursed for the expenses from public funds."**
- 14       Page 8, between lines 32 and 33, begin a new line and insert:
- 15       **"Appropriations to the Indiana Lobby Registration Commission**
- 16       **shall be paid from the lobbyist registration fund to the extent there**
- 17       **is money in the fund. If money in the fund is insufficient to pay for**
- 18       **appropriations to the Commission, the remaining appropriations**
- 19       **shall be paid from the state general fund."**
- 20       Page 85, line 33, after "accrue." insert "The reports of the
- 21       **treasurer must also include, as a percentage, the amount of the**
- 22       **salary and other compensation derived from state funds that the**
- 23       **president, a member of the board of trustees, or any other official**
- 24       **or employee of the university who communicates by any means, or**
- 25       **pays others to communicate by any means, with any legislative**
- 26       **official with the purpose of influencing any legislative action.**
- 27       **For purposes of IC 2-7-1-13 the term "public employee" does not**
- 28       **include the president, a member of the board of trustees, or any**
- 29       **other official or employee of a state educational institution unless**
- 30       **at least fifty-one percent (51%) of the salary and other**
- 31       **compensation of the individual is derived from state funds.**

1 **For purposes of IC 2-7-1-14, the term "public official" does not**  
 2 **include the president, a member of the board of trustees, or any**  
 3 **other official or employee of a state educational institution unless**  
 4 **at least fifty-one percent (51%) of the salary and other**  
 5 **compensation of the individual is derived from state funds."**

6 Page 129, between lines 16 and 17, begin a new paragraph and  
 7 insert:

8 "SECTION 54. IC 2-2.1-3-1, AS AMENDED BY P.L.2-2007,  
 9 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2009]: Sec. 1. ~~As used in~~ **The following definitions apply**  
 11 **throughout** this chapter, ~~and~~ unless the context clearly denotes  
 12 otherwise:

13 ~~(a)~~ **(1)** "Close relative" means a person related to the person filing  
 14 the statement or to ~~his~~ **the person's** spouse as a son, daughter,  
 15 grandson, granddaughter, great-grandson, great-granddaughter,  
 16 father, mother, grandfather, grandmother, great-grandfather,  
 17 great-grandmother, brother, sister, nephew, niece, uncle, or aunt.  
 18 Relatives by adoption, half-blood, marriage, or remarriage shall  
 19 be treated as relatives of whole kinship.

20 ~~(b)~~ **(2)** "Committee" means the house legislative ethics  
 21 committee, or the senate legislative ethics committee, or both of  
 22 them.

23 ~~(c)~~ **(3)** "Compensation" means any money, thing of value, or  
 24 economic benefit conferred on, or received by, any person in  
 25 return for services rendered, or for services to be rendered,  
 26 whether by that person or another.

27 ~~(d)~~ **(4)** "Contribution" means any advance, conveyance, deposit,  
 28 distribution, transfer of funds, loan, payment, gift, pledge, or  
 29 subscription of money or anything of value, and any contract,  
 30 agreement, promise, or other obligation, whether or not legally  
 31 enforceable, to make a contribution in support of any candidate  
 32 for the house of representatives or senate. The term "contribution"  
 33 does not include services by speakers, writers, publishers, or  
 34 others for which no compensation is asked or given.

35 ~~(e)~~ **(5)** "Employer" means any person or entity from whom the  
 36 member of or candidate for the general assembly or ~~his~~ **the**  
 37 **member's or candidate's** spouse received more than thirty-three  
 38 percent (33%) of ~~his~~ **the member's or candidate's** nonlegislative  
 39 income.

40 ~~(f)~~ **(6)** "Family business" means a corporation in which the  
 41 member of or candidate for the general assembly and ~~his~~ **the**  
 42 **member's or candidate's** spouse own at least eighty percent  
 43 (80%) of the voting stock, regardless of whether all or a portion  
 44 is owned jointly or severally.

45 **(7) "Gift" means the voluntary transfer of anything of value**  
 46 **without consideration. The term does not include any of the**  
 47 **following:**

**(A) A voluntary transfer of a thing of value without consideration received from a relative within the third degree of kinship of the person or of the person's spouse, or from the spouse of any such relative.**

**(B) A contribution (as defined in IC 3-5-2-15).**

~~(g)~~ **(8)** "House" means the Indiana house of representatives.

~~(h)~~ **(9)** "Information of a confidential nature" means information obtained by reason of the position or office held and which information has not been, or will not be, communicated to the general public.

~~(i)~~ **(10)** "Legislative matter" means any bill, resolution, or other issue or proposal presented in, or considered by, the house or senate or any committee or subcommittee thereof.

~~(j)~~ **(11)** "Lobbyist" means any person, firm, corporation, limited liability company, or association registered under IC 2-7-2.

~~(k)~~ **(12)** "Person or entity" means any individual, proprietorship, limited liability company, partnership, unincorporated association, trust, business trust, group, or corporation, whether or not operated for profit, or a governmental agency or political subdivision.

~~(l)~~ **(13)** "Senate" means the Indiana senate.

~~(m)~~ **(14)** "State agency" means any department, commission, council, board, bureau, division, service, office, officer, administration, or other establishment in the executive or administrative branch of state government. The term "state agency" does not include state educational institutions or the agencies of any municipality or political subdivision of the state.

~~(n)~~ **(15)** The masculine gender includes the masculine and feminine.

~~(o)~~ **(16)** The singular form of any noun includes the plural wherever appropriate.

SECTION 55. IC 2-2.1-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) Not later than seven (7) calendar days following the first session day in January of each year every member of the general assembly shall file with the principal clerk of the house or secretary of the senate, respectively, a written statement of the member's or candidate's economic interests for the preceding calendar year listing the following:

(1) The name of the member's or candidate's employer and the employer of the member's or candidate's spouse and the nature of the employer's business. The house of representatives and senate need not be listed as an employer.

(2) The name of any sole proprietorship owned or professional practice operated by the member or candidate or the member's or candidate's spouse and the nature of the business.

(3) The name of any partnership of which the member or candidate or the member's or candidate's spouse is a member and

the nature of the partnership's business.

(4) The name of any corporation of which the member or candidate or the member's or candidate's spouse is an officer or director and the nature of the corporation's business. Churches need not be listed.

(5) The name of any corporation in which the member or candidate or the member's or candidate's spouse or unemancipated children own stock or stock options having a fair market value in excess of ten thousand dollars (\$10,000). No time or demand deposit in a financial institution or insurance policy need be listed.

(6) The name of any state agency or the supreme court of Indiana which licenses or regulates the following:

(A) The member's or candidate's or the member's or candidate's spouse's profession or occupation.

(B) Any proprietorship, partnership, corporation, or limited liability company listed under subdivision (2), (3), or (4) and the nature of the licensure or regulation.

The requirement to file certain reports with the secretary of state or to register with the department of state revenue as a retail merchant, manufacturer, or wholesaler shall not be considered as licensure or regulation.

(7) The name of any person whom the member or candidate knows to have been a lobbyist in the previous calendar year and knows to have purchased any of the following:

(A) From the member or candidate, the member's or candidate's sole proprietorship, or the member's or candidate's family business, goods or services for which the lobbyist paid in excess of one hundred dollars (\$100).

(B) From the member's or candidate's partner, goods or services for which the lobbyist paid in excess of one thousand dollars (\$1,000).

This subdivision does not apply to purchases made after December 31, 1998, by a lobbyist from a legislator's retail business made in the ordinary course of business at prices that are available to the general public. For purposes of this subdivision, a legislator's business is considered a retail business if the business is a retail merchant as defined in IC 6-2.5-1-8.

(8) The name of any person or entity from whom the member or candidate received the following:

(A) Any gift of cash from a lobbyist.

(B) Any single gift other than cash having a fair market value in excess of ~~one hundred fifty dollars (\$100)~~: **(\$50)**.

However, a contribution made by a lobbyist to a charitable organization (as defined in Section 501(c) of the Internal Revenue Code) in connection with a social or sports event attended by legislators need not be listed by a member of the

1 general assembly unless the contribution is made in the name  
2 of the legislator.

3 (C) Any gifts other than cash having a fair market value in the  
4 aggregate in excess of two hundred fifty dollars (\$250).  
5 Campaign contributions need not be listed. Gifts from a spouse  
6 or close relative need not be listed unless the donor has a  
7 substantial economic interest in a legislative matter.

8 (9) The name of any lobbyist who is:

9 (A) a member of a partnership or limited liability company;

10 (B) an officer or a director of a corporation; or

11 (C) a manager of a limited liability company;

12 of which the member of or candidate for the general assembly is  
13 a partner, an officer, a director, a member, or an employee, and a  
14 description of the legislative matters which are the object of the  
15 lobbyist's activity.

16 (10) The name of any person or entity on whose behalf the  
17 member or candidate has appeared before, contacted, or  
18 transacted business with any state agency or official thereof, the  
19 name of the state agency, the nature of the appearance, contact, or  
20 transaction, and the cause number, if any. This requirement does  
21 not apply when the services are rendered without compensation.

22 (11) The name of any limited liability company of which the  
23 member of the general assembly, the candidate, or the member's  
24 or candidate's individual spouse has an interest.

25 **(b) This section does not require reporting by a legislator of**  
26 **other lobbying expenditures that are not gifts if the expenditure:**

27 **(1) has been disclosed; or**

28 **(2) should have been disclosed;**

29 **to the public by the lobbyist as required by IC 2-7 or by the**  
30 **Indiana lobby registration commission under IC 2-7.**

31 ~~(b)~~ (c) Before any person who is not a member of the general  
32 assembly files the person's declaration of candidacy, declaration of  
33 intent to be a write-in candidate, or petition of nomination for office or  
34 is selected as a candidate for the office under IC 3-13-1 or IC 3-13-2,  
35 the person shall file with the clerk of the house or secretary of the  
36 senate, respectively, the same written statement of economic interests  
37 for the preceding calendar year that this section requires members of  
38 the general assembly to file.

39 ~~(c)~~ (d) Any member of or candidate for the general assembly may  
40 file an amended statement upon discovery of additional information  
41 required to be reported.

42 SECTION 56. IC 2-7-1-2.9 IS ADDED TO THE INDIANA CODE  
43 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
44 1, 2009]: **Sec. 2.9. "Excess value gift" refers to a single gift that has**  
45 **a fair market value of more than fifty dollars (\$50).**

46 SECTION 57. IC 2-7-1-3.7 IS ADDED TO THE INDIANA CODE  
47 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

1, 2009]: **Sec. 3.7. "Fund" refers to the lobbyist registration fund established by IC 2-7-1.6-10.**

SECTION 58. IC 2-7-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. ~~(a) "Gift" means the voluntary transfer of anything of value without consideration.~~

~~(b) The term does not include any of the following:~~

~~(1) A gift received from a relative within the third degree of kinship of the person or of the person's spouse; or from the spouse of any such relative.~~

~~(2) A contribution (as defined in IC 3-5-2-15); has the meaning set forth in IC 2-2.1-3-1.~~

SECTION 59. IC 2-7-1.6-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 10. (a) The lobbyist registration fund is established to pay for the administration of this article.**

**(b) The commission shall administer the fund. The commission shall deposit the following in the fund:**

**(1) Registration fees collected under IC 2-7-2-1.**

**(2) Late registration fees collected under IC 2-7-2-2.**

**(3) Penalties collected under IC 2-7-3-2.**

**(4) Civil penalties collected under IC 2-7-6.**

**(5) Excess value gift fees collected under IC 2-7-8.**

**(6) Any other money collected by the commission.**

**(c) The expenses of administering the fund shall be paid from money in the fund.**

**(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.**

**(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.**

SECTION 60. IC 2-7-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The activity reports of each lobbyist shall include the following:

(1) A complete and current statement of the information required to be supplied under IC 2-7-2-3 and IC 2-7-2-4.

(2) Total expenditures on lobbying (prorated, if necessary) broken down to include at least the following categories:

(A) Compensation to others who perform lobbying services.

(B) Reimbursement to others who perform lobbying services.

(C) Receptions.

(D) Entertainment, including meals. However, a function to which the entire general assembly is invited is not lobbying under this article.

(E) Gifts made to an employee of the general assembly or a member of the immediate family of an employee of the general assembly.

(3) A statement of expenditures and gifts that equal ~~one hundred~~ **fifty** dollars ~~(\$100)~~ **(\$50)** or more in one (1) day, or that together total more than five hundred dollars (\$500) during the calendar year, if the expenditures and gifts are made by the registrant or ~~his~~ **the registrant's** agent to benefit:

- (A) a member of the general assembly;
- (B) an officer of the general assembly;
- (C) an employee of the general assembly; or
- (D) a member of the immediate family of anyone included in clause (A), (B), or (C).

(4) Whenever a lobbyist makes an expenditure that is for the benefit of all of the members of the general assembly on a given occasion, the total amount expended shall be reported, but the lobbyist shall not prorate the expenditure among each member of the general assembly.

(5) A list of the general subject matter of each bill or resolution concerning which a lobbying effort was made within the registration period.

(6) The name of the beneficiary of each expenditure or gift made by the lobbyist or ~~his~~ **the lobbyist's** agent that is required to be reported under subdivision (3).

(7) The name of each member of the general assembly from whom the lobbyist has received an affidavit required under IC 2-2.1-3-3.5.

(b) In the second semiannual report, when total amounts are required to be reported, totals shall be stated both for the period covered by the statement and for the entire reporting year.

(c) An amount reported under this section is not required to include the following:

- (1) Overhead costs.
- (2) Charges for any of the following:
  - (A) Postage.
  - (B) Express mail service.
  - (C) Stationery.
  - (D) Facsimile transmissions.
  - (E) Telephone calls.
- (3) Expenditures for the personal services of clerical and other support staff persons who are not lobbyists.
- (4) Expenditures for leasing or renting an office.
- (5) Expenditures for lodging, meals, and other personal expenses of the lobbyist.

SECTION 61. IC 2-7-3-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 4.5. (a) This section applies after June 30, 2011.**

**(b) This section applies:**

- (1) beginning on the Monday before organization day of each session of the general assembly; and**

(2) ending on the third Monday that follows the sine die adjournment of the session.

(c) Not later than 6 p.m. each Monday, a lobbyist shall file with the commission a legislative contact report.

(d) The report required by this section must contain the following information:

(1) The name of each:

(A) member of the general assembly;

(B) officer of the general assembly; and

(C) member of the staff of the general assembly;

with whom the lobbyist has had any communication to influence any legislative action.

(2) Whether the lobbyist communicated with the governor or any member of the staff of the office of the governor regarding any legislative action.

(3) For each individual identified under subdivision (1) or (2), the following information:

(A) The date and time of the communication.

(B) The nature of the legislative action that was the subject of the communication.

(4) The following information for each excess value gift:

(A) The name of the member of the general assembly to whom the excess value gift was given.

(B) The fair market value of the excess value gift.

(e) The commission shall provide for the electronic filing of reports required by this section.

(f) Reports filed under this section must be available online not later than 9 a.m. on the Tuesday after the reports are required to be filed under this section.

(g) A lobbyist shall do the following at the same time that the lobbyist files a report under this section:

(1) Provide for electronic transfer to the commission of the amount of the excess value gift fee due under IC 2-7-8-1.

(2) Send to the commission a check in the amount of the excess value gift fee under IC 2-7-8-1.

SECTION 62. IC 2-7-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) A lobbyist shall file a written report with respect to a member of the general assembly whenever either of the following occurs:

(1) The lobbyist has made a purchase described in IC 2-2.1-3-2(a)(7) with respect to that member. This subdivision does not apply to purchases made by a lobbyist from a legislator's retail business made in the ordinary course of business at prices that are available to the general public. For purposes of this subdivision, a legislator's business is considered a retail business if the business is a retail merchant as defined in IC 6-2.5-1-8.

(2) The lobbyist has made a gift described in IC 2-2.1-3-2(a)(8) to that member.



(b) A report required by subsection (a) must state the following:

(1) The name of the lobbyist.

(2) Whether the report covers a purchase described in IC 2-2.1-3-2(a)(7) or a gift described in IC 2-2.1-3-2(a)(8).

(c) A lobbyist shall file a copy of a report required by this section with all the following:

(1) The commission.

(2) The member of the general assembly with respect to whom the report is made.

(3) The principal clerk of the house of representatives, if the legislator is a member of the Indiana house of representatives.

(4) The secretary of the senate, if the legislator is a member of the Indiana senate.

(d) A lobbyist shall file a report required by subsection (a) not later than seven (7) days after making the purchase or giving the gift.

(e) Not later than January 7, the commission shall provide to each member of the general assembly a written compilation of all reports filed under subsection (c) relating to that member. The compilation must satisfy the following:

(1) For each member the compilation must list the following for the immediately preceding calendar year:

(A) Each purchase described in IC 2-2.1-3-2(a)(7).

(B) Each gift described in IC 2-2.1-3-2(a)(8) itemized as follows:

(i) Any gift of cash from the lobbyist.

(ii) Any single gift from the lobbyist other than cash having a fair market value that exceeds ~~one hundred fifty~~ dollars ~~(\$100)~~ **(\$50)**.

(iii) Any gifts from the lobbyist other than cash having a fair market value in the aggregate that exceeds two hundred fifty dollars (\$250).

(2) For each purchase or gift, the compilation must identify the name of the lobbyist making the purchase or giving the gift.

SECTION 63. IC 2-7-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

#### **Chapter 8. Excess Value Gift Fees**

**Sec. 1. (a) A lobbyist shall pay the fee determined in STEP THREE of the following formula for each excess value gift the lobbyist gives to a member of the general assembly:**

**STEP ONE: Determine the fair market value of the gift.**

**STEP TWO: Subtract fifty dollars (\$50) from the amount determined in STEP ONE.**

**STEP THREE: Multiply the result of STEP TWO by ten percent (10%).**

**Sec. 2. A lobbyist shall pay the fee required by section 1 of this chapter as provided in IC 2-7-3-4.5.**

1       **Sec. 3. (a) When a lobbyist files the lobbyist's May 31 activity**  
 2       **report, the lobbyist shall pay the fee determined in STEP THREE**  
 3       **of the following formula for each member of the general assembly**  
 4       **to whom the lobbyist gave gifts that together totaled more than five**  
 5       **hundred dollars (\$500) during the year covered by the activity**  
 6       **report:**

7               **STEP ONE: Determine the fair market value of all gifts**  
 8               **(including excess value gifts) given to the member of the**  
 9               **general assembly.**

10              **STEP TWO: Subtract five hundred dollars (\$500) from the**  
 11              **amount determined in STEP ONE.**

12              **STEP THREE: Multiply the result of STEP TWO by ten**  
 13              **percent (10%).**

14       **Sec. 4. The lobbyist shall pay the fee required by section 3 of this**  
 15       **chapter when the lobbyist files the lobbyist's May 31 activity**  
 16       **report."**

17       Renumber all SECTIONS consecutively.

(Reference is to EHB 1001 as printed April 10, 2009.)

---

Senator DELPH